

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35633

STATE OF IDAHO,	)	2009 Unpublished Opinion No. 419
	)	
Plaintiff-Respondent,	)	Filed: April 8, 2009
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
KENNETH D. BRYANT,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. John T. Mitchell, District Judge.

Judgment of conviction and unified sentence of eight years, with three years determinate, for felony injury to a child, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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Before LANSING, Chief Judge, GUTIERREZ, Judge  
and GRATTON, Judge

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PER CURIAM

Kenneth D. Bryant was charged with lewd conduct with a minor under the age of sixteen and pursuant to a binding Idaho Criminal Rule 11 plea agreement, entered an *Alford*<sup>1</sup> plea to an amended charge of felony injury to a child, I.C. § 15-1501(1). Bryant was sentenced to a unified term of eight years, with three years determinate. The district court suspended the sentence and placed Bryant on probation for five years. Now on probation, Bryant appeals, contending that the district court abused its discretion by imposing an excessive sentence.

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<sup>1</sup> *North Carolina v. Alford*, 400 U.S. 25 (1970).

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d 1331, 1337 (1989). We will not conclude on review that the sentencing court abused its discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by imposing the sentence. Accordingly, Bryant's judgment of conviction and sentence are affirmed.